**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.M.JOSEPH**

**MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929**

**WP(C).No. 17252 of 2007(D)**

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**PETITIONER:**

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**CHAVARA THEKKUMBHAGOM KSHEEROLPADAKA CO-OP. SOCIETY LTD.NO.Q.49(D), CHAVARA SOUTH P.O., PIN-691 584, REPRESENTED BY PRESIDENT.**

**BY ADV. SRI.P.N.MOHANAN**
**SRI.UNNI. K.K. (EZHUMATTOOR)**
**SRI.K.RAJESH SUKUMARAN**
**SRI.V.SUMESH**

**RESPONDENTS:**

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**1. THE DEPUTY DIRECTOR, DAIRY DEVELOPMENT DEPARTMENT, KOLLAM-1.**

**2. DAIRY EXTENSION OFFICER, CHAVARA, KOLLAM P.O.**

**BY GOVERNMENT PLEADER (SHRI P.N. SANTHOSH)**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**K. M. JOSEPH, J.**

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**W.P.C. NO. 17252 OF 2007 D**

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**Dated this the 11th June, 2007**

**JUDGMENT**

Petitioner is a Milk Co-op. Society. Ext.P2 resolution was taken to conduct election on 22.7.2007. Also, Ext.P1 resolution was taken to amend the quorum for the Managing Committee as five instead of six as total Committee Members are nine in terms of Section 28(5) of the Co-Operative Societies Act.

2. Heard the learned counsel appearing on behalf of the petitioner and also the learned Government Pleader. Counsel for petitioner submits that there is no basis not to appoint a Returning Officer to conduct election as per Ext.P2 resolution. On the other hand, learned Government Pleader points out that the term of the Committee expires on 7.7.2007 and the request in Ext.P2 to conduct election on 22.7.2007. Learned Government Pleader also submits that if the Society passes appropriate resolution in accordance with law and intimate the

first respondent as required in law, the respondent will take steps to conduct election as per the resolution taken. Shri P.N. Mohanan, learned counsel for petitioner submits that the Society will take steps to pass a resolution for the purpose of conducting election by 6.7.2007. As far as the resolution for the amendment is concerned, learned Government Pleader points out that the application for amendment was received only on 2.6.2007 and the Statute provides ninety days for taking a decision on the same. In such circumstances, the Writ Petition is disposed of as follows:

A decision will be taken on Ext.P1 in accordance with law by the first respondent as expeditiously as possible and, at any rate, within the time limit provided in the Statute. As far as the prayer to conduct election is concerned, in view of the stand taken by the counsel on either side, I find the only direction that can be given is that if the petitioner Society passes resolution and forwards it to the first respondent, the first respondent will

take steps in terms of the resolution to conduct election on 6.7.2007, if a resolution is passed to that effect.

**K. M. JOSEPH, JUDGE**

kbk.